

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re	:	Chapter 13
	:	
EVA HIGHSMITH,	:	Bankruptcy No. 05-39174DWS
WINFRED N. HIGHSMITH,	:	
	:	
	:	
Debtors.	:	

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**ORDER**

**AND NOW**, this 25th day of October 2005, this Court having entered an Order on March 1, 2004 dismissing the Chapter 11 case of Eva and Winifred Highsmith with prejudice and barring them from filing a further petition under title 11 without leave of Court (the "Order");

**And** the Order further providing that any petition filed in violation of this Order shall be dismissed without further notice or hearing;

**And** on October 21, 2005 a petition being presented to the Bankruptcy Court in violation of the Order;

**And** the Clerk of the Bankruptcy Court having refused to accept the petition as no leave of Court to file was granted;

**And** in flagrant abuse of the Court's Order, the petition being deposited in the night box at the District Court and time stamped;

It is hereby **ORDERED** that the petition initiating this case is in contempt of this Court's Order dated March 1, 2004;

**And** it is further **ORDERED** that the Chapter 13 case is **DISMISSED** with prejudice;

**And** it is further **ORDERED** that the Clerk shall send a copy of this Order to every party listed on the Debtors' matrix;

**And** it is further **ORDERED** that on or before **October 31, 2005** petitioner's counsel Eddie Clark, Esquire ("Clark") shall file an affidavit under penalty of perjury outlining his role in this filing, including whether he was present when the petition was refused and whether he deposited or discussed depositing it in the district court night box. Pending that submission the Court reserves judgment as to whether sanctions should be pursued against Clark. Failure to file the sworn affidavit shall be a contempt of this Court.

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DIANE WEISS SIGMUND  
Chief U.S. Bankruptcy Judge

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